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Crime prevention and criminal justice

Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime

Note by the Secretariat

By its resolution 2004/19 of 21 July 2004, the Economic and Social Council recommended to the General Assembly the adoption of the following draft resolution:

"**Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime**

"*The General Assembly*,

"*Recalling* its relevant resolutions on the prevention and suppression of terrorism, as well as Security Council resolutions 1269 (1999) of 19 October 1999, 1373 (2001) of 28 September 2001, 1377 (2001) of 12 November 2001 and 1456 (2003) of 20 January 2003,

"*Recalling also* its resolutions 56/1 of 12 September 2001, in which it strongly condemned the heinous acts of terrorism of 11 September 2001 and urgently called for international cooperation to prevent and eradicate acts of terrorism, and 57/27 of 19 November 2002, in which it also condemned those in Bali and Moscow, as well as Security Council resolutions 1450 (2002) of 13 December 2002, 1465 (2003) of 13 February 2003, 1516 (2003) of 20 November 2003 and 1530 (2004) of 11 March 2004, condemning in the strongest terms the bomb attacks in Kikambala, Kenya; Bogota; Istanbul, Turkey; and Madrid, respectively, and expressing its deepest sympathy and condolences to the victims of terrorist attacks and their families,

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"*Condemning* the acts of violence perpetrated in many parts of the world against humanitarian personnel and United Nations and its associated personnel, in particular deliberate attacks, which are in violation of international humanitarian law as well as other international law that may be applicable, such as the attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003,

"*Recalling* its resolutions 58/136 and 58/140 of 22 December 2003, in which it, inter alia, encouraged the activities of the United Nations Office on Drugs and Crime within its mandates in the area of preventing terrorism by providing Member States, upon request, with technical assistance, specifically to implement the universal conventions and protocols relating to terrorism, thereby strengthening international cooperation in preventing and combating terrorism, working in close coordination with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Office of Legal Affairs of the Secretariat, as well as with international, regional and subregional organizations and specialized agencies,

"*Mindful* of its resolution 58/81 of 9 December 2003, in which it welcomed the efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognized, in the context of Security Council resolution 1373 (2001), the role of the Branch in assisting States to become parties to and implement the relevant international conventions and protocols related to terrorism,

"*Recalling* Security Council resolution 1535 (2004) of 26 March 2004 concerning enhancement of the ability of the Counter-Terrorism Committee to monitor the implementation of Council resolution 1373 (2001),

"*Recalling also* the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[1] which emanated from the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,

"*Noting with appreciation* the issuance, in all the official languages of the United Nations, of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*[2] which was reviewed by an expert group hosted by the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy,

"*Noting also with appreciation* the guidelines for technical assistance within the framework of international cooperation against terrorism, which were formulated and reviewed during an expert group meeting held in Cape Town, South Africa, from 24 to 27 February 2004,

"*Deeply concerned* that acts of international terrorism continue to be perpetrated, endangering the lives and well-being of individuals worldwide, as well as the peace and security of all States,

"*Reaffirming* its unequivocal condemnation of terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance

[1] General Assembly resolution 55/59, annex.
[2] United Nations publication, Sales No. E.04.V.7.

with the principles of the Charter of the United Nations, international law and the relevant international conventions,

"*Recalling* that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and that such measures are adopted in accordance with international law, in particular international human rights, refugee and humanitarian law,

"*Mindful* of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

"1. *Commends* the United Nations Office on Drugs and Crime for its work in preventing and combating terrorism through the provision of technical assistance, in close consultation with the Counter-Terrorism Committee, for the implementation of Security Council resolution 1373 (2001), in particular for the promotion of the ratification of, accession to and implementation of the universal conventions and protocols relating to terrorism;

"2. *Also commends* the efforts of the United Nations Office on Drugs and Crime to reinforce close cooperation with international, regional and subregional organizations, such as the Council of Europe, the International Monetary Fund, the Organization of American States, the Organization for Security and Cooperation in Europe and the World Bank, and the Counter-Terrorism Committee in preventing and combating terrorism, an example of which was the follow-up meeting to the United Nations Counter-Terrorism Committee special meeting of 6 March 2003, with participants from international, regional and subregional organizations, organized by the Organization for Security and Cooperation in Europe, in close cooperation with the United Nations Office on Drugs and Crime, in Vienna on 11 and 12 March 2004, which resulted in the Vienna Declaration of 12 March 2004;[3]

"3. *Welcomes* the regional and subregional workshops held in Antalya, Turkey, and in Bamako, Khartoum, London, San José and Vilnius to familiarize national experts and criminal justice officials with the requirements of Security Council resolution 1373 (2001) and the requirements for becoming parties to and implementing the universal conventions and protocols relating to terrorism and international cooperation agreements, and encourages the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and subject to the availability of extrabudgetary resources, to ensure proper follow-up to those workshops, in cases where such follow-up is indicated by the participating States;

"4. *Calls upon* Member States that have not yet done so to become parties to and to implement the universal conventions and protocols relating to terrorism as soon as possible and, where appropriate, to request assistance to that end from the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee;

[3] S/2004/276, annex.

"5. *Invites* Member States that are not yet parties to those instruments to make use of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*[2] in their efforts to incorporate the provisions of those instruments in their national legislation, and requests the Secretariat, subject to the availability of extrabudgetary resources, to develop the *Legislative Guide* further as a tool for the provision of technical assistance aimed at the implementation of the universal conventions and protocols relating to terrorism;

"6. *Requests* the Secretariat to submit the guidelines for technical assistance that were formulated and reviewed during the expert group meeting held in Cape Town, South Africa, from 24 to 27 February 2004 to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice for discussion, with a view to consideration of the guidelines by the Commission on Crime Prevention and Criminal Justice at its subsequent session;

"7. *Requests* the United Nations Office on Drugs and Crime to continue to work with international organizations, in particular specialized agencies and other relevant United Nations entities that undertake work that is complementary to that of the Office, in order to enhance synergies;

"8. *Urges* Member States to continue working together, including on a regional and bilateral basis and in close cooperation with the United Nations, to prevent and combat acts of terrorism by strengthening international cooperation and technical assistance within the framework of Security Council resolutions 1373 (2001), 1377 (2001) and 1456 (2003), as well as the universal conventions and protocols relating to terrorism, Council resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1455 (2003) of 17 January 2003, 1526 (2004) of 30 January 2004 and 1535 (2004) and other relevant United Nations resolutions, and in accordance with the Charter of the United Nations and international law;

"9. *Invites* Member States to examine ways and means to reinforce international cooperation in criminal justice matters pertaining to terrorism prevention during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice with a view to enhancing global efforts in the fight against terrorism;

"10. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to intensify its efforts to provide technical assistance, upon request, in preventing and combating terrorism through the implementation of the universal conventions and protocols relating to terrorism, with particular emphasis on the need to coordinate its work with the Counter-Terrorism Committee and its Executive Directorate, including training judicial and prosecutorial personnel, where appropriate, in the proper implementation of the universal conventions and protocols relating to terrorism;

"11. *Also requests* the United Nations Office on Drugs and Crime to pursue an integrated, synergistic approach in the delivery of technical assistance to requesting States, taking into account the links that exist between terrorism and other forms of crime;

"12. *Expresses its appreciation* to donor countries that have supported the Global Programme against Terrorism, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or the United Nations Crime Prevention and Criminal Justice Programme network, and invites all Member States to make voluntary contributions to the Fund in order to allow the United Nations Office on Drugs and Crime to provide technical assistance to requesting Member States;

"13. *Calls upon* Member States to strengthen, to the greatest extent possible, international cooperation in order to combat terrorism, including, when necessary, entering into bilateral treaties on extradition and mutual legal assistance;

"14. *Recognizes* the need for the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide Member States, upon request, and in coordination with the Counter-Terrorism Committee, with technical assistance to strengthen international cooperation, including in international, national, regional and subregional forums, in terrorism-related criminal justice matters in the framework of the universal conventions and protocols and the relevant Security Council resolutions relating to terrorism;

"15. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary resources, an expert workshop, taking into account the need for adequate and equitable geographical representation and open to any Member State wishing to participate as an observer, to examine and analyse problems encountered by criminal justice practitioners in affording mutual legal assistance and granting extradition for terrorist offences, with a view to identifying proven and promising practices and possible ways of facilitating international cooperation, taking into account information that Member States may wish to provide;

"16. *Also requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution."